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HARDY AND CAREY, L.L.P.
ATTORNEYS AT LAW
111 VETERANS BOULEVARD
METAIRIE, LOUISIANA 70005

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ASHTON R. HARDY
BRADFORD D. CAREY
MARJORIE R. ESMAN

TELEPHONE: 504-830-4646
TELEFAX 504-830-4659
OUR FILE NO.

November 15, 1993

0573.025

BY HAND

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

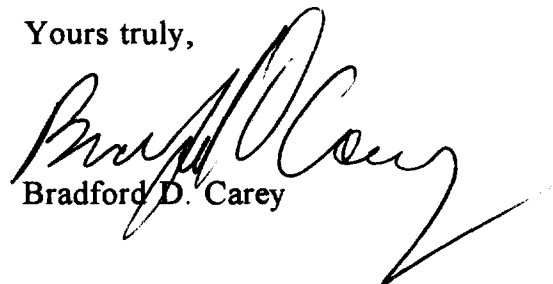
RE: Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
RM-8322; MM Docket No: 93-255

Dear Mr. Caton:

Enclosed please find the original and six (6) copies of Comments of Southern Starr Limited Partnership for filing with the Commission in connection with the above-captioned.

If you should have any questions regarding this matter, kindly direct them to the undersigned.

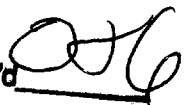
Yours truly,


Bradford D. Carey

BDC/mv
Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)	
)	RM -8322
Amendment of Section 73.202(b))	
Table of Allotments)	
FM Broadcast Stations)	MM Docket No:
)	
(Titusville, Florida))	93-255

To: Chief Allocations Branch

COMMENTS OF SOUTHERN STARR LIMITED PARTNERSHIP

Southern Starr Limited Partnership, the Licensee of FM Broadcast station WGNE, Titusville, Florida ("Starr"), by Counsel, pursuant the Commission's Rules, hereby states its Comments in support of the captioned rulemaking proceeding. Starr is the licensee of station WGNE. Starr initiated this proceeding and is the proponent of the proposed amendment of the Table of Allotments for FM Broadcast stations, § 73.202(b) of the Commission's Rules and Regulations, 47 C.F.R. § 73.202(b), to substitute Channel 251 C1 for Channel 251 C2 at Titusville, Florida and to modify Starr's license for WGNE to specify operation on the higher class channel.

I. WGNE (FM) PRESENTLY OPERATES ON CHANNEL 251 C2

FM Station WGNE presently operates, pursuant to an F.C.C. issued license, on channel 251 C2 at Titusville, Florida with an effective radiated power ("ERP") of 50 KW and an antenna height above average terrain (HAAT) of 141 meters.

**II. CHANNEL 251 C1 IS NOW AVAILABLE FOR SUBSTITUTION
AT TITUSVILLE, FLORIDA**

Starr's consulting engineers have determined that Channel 251 C1 at Titusville is now available for the upgrade of WGNE in compliance with all minimum distance separation standards specified in the Commission's Rules. The "reference site" specified, from which all minimum distance and signal coverage requirements are met, is 28-35-00 North Latitude and 80-34-10 West Longitude. A supporting technical exhibit of Bromo Communications, Inc., including the affidavit of Clifton G. Moor, was attached as Exhibit TE-1 to Starr's *Petition for Rulemaking*. Starr hereby incorporates by reference its previous showings and commitments.

**III. COMMISSION POLICIES AND THE COMMUNICATIONS ACT
FAVOR UPGRADE OF WGNE**

**A. SECTION 307(B) REQUIRES THAT TITUSVILLE BE ALLOTTED
AN UPGRADED STATION.**

As noted by Starr in its *Petition*, the Communications Act of 1934, as Amended, requires that the Commission ensure the fair, efficient and equitable distribution of the various classes of radio stations to the various cities and states. Titusville, Florida has been allotted only one FM station, WGNE. As a class C2 facility, the coverage is limited significantly compared to the coverage of full class C stations, several of which are allotted to many cities. However, were WGNE upgraded to a class C1 facility, the station's service area would be significantly

expanded. While still only a singular station, and not a full class C facility, Titusville's only commercial FM voice would be a much more powerful voice than it is now.

Many workers in the Titusville area live in surrounding areas. As a Class C1 station, WGNE would be better able to serve those who work in the Titusville area, but commute from significant distances, and those who live in Titusville but commute to other areas to work.

B. F.C.C. POLICIES FAVOR UPGRADE OF WGNE

Upgrades of existing FM stations are in the public interest. 50 *Fed. Reg* 45439 (October 31, 1985). And, as illustrated by the Commission's actions in Mass Media Dockets numbered 80-90, 85-313 and 86-144, the Commission's policy is to encourage its broadcast licensees to upgrade to provide enhanced service to their audiences.

Further illustration that the Commission's policies strongly favor upgrades is the recent action by the Commission in Mass Media Docket No. 92-159, *Permitting FM Channel and Class Modifications by Application*, 58 *Fed. Reg.* 38534 (July 19, 1993)

IV. IF THE REQUESTED UPGRADE IS GRANTED, STARR WILL FILE AN APPLICATION FOR A CONSTRUCTION PERMIT AND BUILD AND OPERATE A STATION ON THE UPGRADED CHANNEL.

Starr hereby reaffirms its earlier commitment that if the Commission determines to amend its table of allotments for FM broadcast stations to upgrade the allotment on which WGNE operates and modify Starr's license for WGNE to specify operation on the upgraded channel, Starr will timely file an application on F.C.C. form 301 to specify upgraded facilities. If granted a permit, Starr will expeditiously construct, then operate, a station on the upgraded allotment.

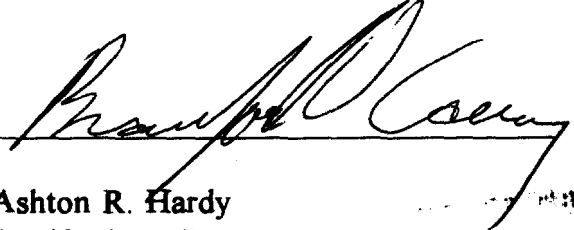
V. CONCLUSION: AN UPGRADE SHOULD BE GRANTED.

Starr has demonstrated that Channel 251 C1 can be substituted for Channel 252 C2 at Titusville. From the specified "reference site," all spacing requirements of the Commission are met. Furthermore, Starr has filed all of the required statements. The Commission's policy is that the public interest is furthered when existing stations are permitted to upgrade their facilities. The Communications Act of 1934, as Amended, requires that the Commission fairly and equitably allot broadcast stations among the various communities. WGNE is the only commercial FM allotment to Titusville. Other communities have less population and smaller areas to serve, but more plentiful, and more powerful, stations. Titusville, with its extensive commuter travel, deserves a wide-area station. The spectrum is available.

The Petition should be **GRANTED** and the Table of Allotments, §3.202(b)
AMENDED to substitute channel 251 C1 for channel 252 C2 at Titusville.

Respectfully Submitted,

By: _____


Ashton R. Hardy
Bradford D. Carey
Marjorie R. Esman

Hardy & Carey
111 Veterans Blvd., Suite 255
Metairie, LA 70005
(504) 830-4646

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